

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ARMSTRONG, et al.,

Plaintiffs,

v.

ANDOVER SUBACUTE AND REHAB
CENTER SERVICES ONE, INC. et al.,
Defendants.

Civil Action No.

2:12-CV-3319-SDW-SCM

**SUPPLEMENTAL
SCHEDULING ORDER**

IT IS on this Monday, February 25, 2019 ordered that the Scheduling Order is hereby supplemented as follows:

1. A telephone conference is scheduled with Magistrate Judge Mannion on 4/25/2019 at 3:30 PM. Defendant(s)' counsel is to initiate the call. Eight days before that date, counsel shall file a joint agenda letter (up to 3 pages) itemizing the issues, if any, to be discussed at the upcoming conference.
2. Fact discovery is to remain open through 5/31/2019. Discovery should be produced on a rolling basis. All fact witness depositions must be completed by the close of fact discovery. No fact discovery is to be issued or engaged in beyond that date, except upon application to the Court and for good cause shown.
3. No discovery motion or motion for sanctions for failure to provide discovery shall be made without prior leave of Court. Counsel "shall confer" in good faith and attempt to informally resolve any discovery disputes before seeking the Court's intervention. L.Civ.R. 37.1(a). Should informal efforts fail within 10 days of the occurrence of the dispute (and for disputes over paper discovery, no later than 120 days after the R16 conference), the dispute shall immediately be brought to the Magistrate Judge's attention via a **joint dispute letter** filed on ECF not to exceed 6 pages that sets forth: (a) the request; (b) the response; (c) efforts to resolve the dispute; (d) why the complaining party believes the information is relevant and why the responding party's response continues to be deficient; and (e) why the responding party believe the response is sufficient. If the dispute is complex (e.g., concerns privilege, undue burden, or privacy) counsel shall also file briefs and supporting affidavits along with their joint dispute letter. Courtesy paper copies must be delivered to chambers. Thereafter, the Court will schedule a telephonic discovery conference pursuant to Fed. R. Civ. P. 26(f) if necessary to resolve the dispute. *See* L. Civ. R. 16.1(f).
4. The parties have a continuing obligation to supplement and amend their initial disclosures. The names and subject of expected testimony of all affirmative expert witnesses shall be delivered no later than 30 days before the end of fact discovery. The names and subject of expected testimony of all responding expert witnesses shall

be delivered no later than 10 days after the date due for the affirmative expert report(s), provided such report(s) have been served.

- a. All affirmative expert reports shall be delivered by 7/19/2019.
 - b. All responding expert reports shall be delivered by 5/31/2019.
 - c. Deposition of expert(s) to be completed within 30 days of receiving their respective reports.
5. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER OR ANY SUBSEQUENT SCHEDULING ORDERS ENTERED BY THIS COURT MAY RESULT IN SANCTIONS. See Fed.R.Civ.P. 16(f) and 37.**



Honorable Steve Mannion, U.S.M.J.
United States District Court,
for the District of New Jersey
phone: 973-645-3827

2/25/2019 2:22:07 PM

Original: Clerk of the Court
Hon. Susan D. Wigenton, U.S.D.J.
cc: All parties
File